

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ERIC L. JEFFRIES,	)	CASE NO. C-1-02-351
	:	
Plaintiff,	)	JUDGE BECKWITH
	:	Magistrate Judge Hogan
v.	)	
	:	
CENTRE LIFE INSURANCE CO., et. al.,	)	
	:	
Defendants.	)	

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S PARTIAL OBJECTION TO THE  
MAGISTRATE JUDGE'S 3/23/04 ORDER**

Defendant's Objection to Magistrate Hogan's Order requiring defendant to pay plaintiff's expenses associated with Dr. Garb's deposition should be denied.<sup>1</sup> Defendant argues that it was unnecessary for Attorney Roberts to travel to Springfield Massachusetts on 12 hours notice on March 24, 2004, because Cliff Shoemaker (of Alexandria, Va.) was scheduled to appear at Dr. Poser's Deposition in Boston, Massachusetts on March 25, 2004. Defendant, however, simply does not know the facts.

Attorney Cliff Shoemaker was in trial in Southern Florida on March 24 and could not travel to Boston or Springfield in time for James Garb's late scheduled deposition. He did not arrive in Boston until after the deposition of James Garb had concluded. For that reason, Attorney Roberts was required to rearrange his schedule at 4:30 p.m. on March 23, 2004, and arrange to be in Springfield, Massachusetts the next morning. At the airline's mercy, Attorney

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<sup>1</sup> Reading defendant's memorandum (which cost more to prepare and file than defendant seeks to save in costs) one would conclude that Attorney Roberts dropped everything on a moments notice and rearranged his schedule to travel to Springfield Massachusetts simply to increase defendant's expense.

Roberts was required to pay full fare for his flight (\$1,233.70). Delta Airlines placed Mr. Roberts in the First Class cabin (alongside Mr. Ellis) because space was available and he had paid full fare. This is a common practice for Delta Airlines for their passengers who are required for whatever reason to pay full fare.

Defendant's motion should be denied and it should be required to reimburse Mr. Roberts forthwith.

Respectfully submitted,

OF COUNSEL

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**CERTIFICATE OF SERVICE**

The foregoing was filed electronically and thereby served on William R. Ellis, Esq., Wood & Lamping LLP, 600 Vine Street, Suite 2500, Cincinnati, Ohio 45202, this 10<sup>th</sup> day of April, 2004.

/s Michael A. Roberts